

is what resulted in his cancer developing and in the end of his life way too soon.

So his widow Danielle, who some people may remember was at the State of the Union up in the Gallery, and his mom Kathi and his daughter Brielle have been tireless advocates for addressing this burn pit issue, trying to stop the burn pits from being used but, of course, addressing the consequence of these burn pits. And they have channeled their grief in a constructive way, which is to encourage Congress to pass this legislation that we passed today. So many other veterans who have been exposed to burn pits will now get their healthcare because of their work and because of the tribute that is being paid to their father and husband and son, Heath Robinson.

So that is who Heath Robinson is, and that is why it was important to name that legislation today after him.

#### OTTO WARMBIER COUNTERING NORTH KOREAN CENSORSHIP AND SURVEILLANCE ACT OF 2021

Mr. PORTMAN. Mr. President, I am also rising today to ask unanimous consent from my colleagues to pass other legislation, S. 2129, a bipartisan bill that I have coauthored with my colleague from Ohio, Senator SHERROD BROWN. It honors a young man named Otto Warmbier, and it counters North Korea's censorship and surveillance state.

Otto Warmbier was a native of my hometown in Cincinnati, OH, and his wonderful family are dear friends. He was a young man of great spirit, great intellect, and great promise. He was a student, a star at the University of Virginia.

In 2015, he went to North Korea with a tour group. It was a cultural visit with people from the United States, from Europe, looking to see what North Korea was like. They were there for a very brief period of time, but at the end of that brief visit, as he was waiting in line at the airport to leave with fellow members of the tour, North Korean security officials grabbed him and pulled him out of line.

He was detained, and then eventually he was sentenced for 15 years on trumped-up charges relating to whether or not he tried to take down a poster that was a political poster—15 years. Otto Warmbier, again, a young man of great promise, was unjustly convicted and imprisoned. And during a 17-month period of imprisonment, captivity, he was badly mistreated by the North Koreans, to the point that when he was returned to the United States in 2017, he came back in a comatose state from which he never recovered.

Otto Warmbier died almost exactly 5 years ago today, June 19, 2017. He was 22 years old, with his whole life ahead of him. So 5 years ago, life changed forever for Otto's friends, for his parents, his classmates. His service, his funeral was extraordinary, the outpouring of love.

His parents, Fred and Cindy, have taken their grief and done something very constructive with it. They have focused on exposing what North Korea is really like and also ensuring that, to the extent possible, North Korea is held accountable for this atrocity. No parent should have to endure what they went through.

I have worked with Senators BROWN, COONS, TILLIS, VAN HOLLEN, and HAGERTY, as well as the Warmbiers, as well as the Biden administration, on this legislation. It is called the Otto Warmbier North Korea Censorship and Surveillance Act. It would authorize sanctions against any foreign individuals involved in censoring the North Korean people's access to information on behalf of the Kim Jong Un regime.

Of course, the North Koreans aren't getting the truth because information is censored. So it is very important to get whatever real news you can into the country. When that happens, what you find out is that people leave North Korea and then work against the regime. But so many people don't have access to that information.

So this bill authorizes the U.S. Agency for Global Media to find new and creative ways to circumvent North Korean censorship and provides \$10 million annually for the next 5 years to counter North Korea's repressive censorship and surveillance state, including something very practical and needed, which is repairing the antennas that have been used for this purpose that were damaged in a typhoon years ago and have never been fixed because we haven't had the funding.

This bill has adequate funding to put in place the infrastructure that is now going to be necessary to effectively send true, accurate information to North Korea to counter North Korean propaganda for the sake of the people of North Korea.

Together, this Chamber can send a bipartisan message to the world that we will not stand for the censorship and the repression of the North Korean regime. So I urge my colleagues to support this legislation. It is something we have worked on carefully. We have gotten technical assistance from the administration. It is something that I hope we can pass here this evening and then we can, in turn, get it passed in the House of Representatives and get it to the President for his signature.

So, Mr. President, I would now like to call up this legislation. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 159, S. 2129.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 2129) to promote freedom of information and counter censorship and surveillance in North Korea, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations with an amend-

ment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Otto Warmbier Countering North Korean Censorship and Surveillance Act of 2021".*

#### SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) The information landscape in North Korea is the most repressive in the world, consistently ranking last or near-last in the annual World Press Freedom Index.

(2) Under the brutal rule of Kim Jong Un, the country's leader since 2012, the North Korean regime has tightened controls on access to information, as well as enacted harsh punishments for consumers of outside media, including sentencing to time in a concentration camp and a maximum penalty of death.

(3) Such repressive and unjust laws surrounding information in North Korea resulted in the death of 22-year-old United States citizen and university student Otto Warmbier, who had traveled to North Korea in December 2015 as part of a guided tour.

(4) Otto Warmbier was unjustly arrested, sentenced to 15 years of hard labor, and severely mistreated at the hands of North Korean officials. While in captivity, Otto Warmbier suffered a serious medical emergency that placed him into a comatose state. Otto Warmbier was comatose upon his release in June 2017 and died 6 days later.

(5) Despite increased penalties for possession and viewership of foreign media, the people of North Korea have increased their desire for foreign media content, according to a survey of 200 defectors concluding that 90 percent had watched South Korean or other foreign media before defecting.

(6) On March 23, 2021, in an annual resolution, the United Nations General Assembly condemned "the long-standing and ongoing systematic, widespread and gross violations of human rights in the Democratic People's Republic of Korea" and expressed grave concern at, among other things, "the denial of the right to freedom of thought, conscience, and religion . . . and of the rights to freedom of opinion, expression, and association, both online and offline, which is enforced through an absolute monopoly on information and total control over organized social life, and arbitrary and unlawful state surveillance that permeates the private lives of all citizens".

(7) In 2018, Typhoon Yutu caused extensive damage to 15 broadcast antennas used by the United States Agency for Global Media in Asia, resulting in reduced programming to North Korea. The United States Agency for Global Media has rebuilt 5 of the 15 antenna systems as of June 2021.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) in the event of a crisis situation, particularly where information pertaining to the crisis is being actively censored or a false narrative is being put forward, the United States should be able to quickly increase its broadcasting capability to deliver fact-based information to audiences, including those in North Korea; and

(2) the United States International Broadcasting Surge Capacity Fund is already authorized under section 316 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6216), and expanded authority to transfer unobligated balances from expired accounts of the United States Agency for Global Media would enable the Agency to more nimbly respond to crises.

#### SEC. 3. STATEMENT OF POLICY.

*It is the policy of the United States—*

(1) to provide the people of North Korea with access to a diverse range of fact-based information;

(2) to develop and implement novel means of communication and information sharing that increase opportunities for audiences in North Korea to safely create, access, and share digital and non-digital news without fear of repressive censorship, surveillance, or penalties under law; and

(3) to foster and innovate new technologies to counter North Korea's state-sponsored repressive surveillance and censorship by advancing internet freedom tools, technologies, and new approaches.

#### **SEC. 4. UNITED STATES STRATEGY TO COMBAT NORTH KOREA'S REPRESSIVE INFORMATION ENVIRONMENT.**

(a) *IN GENERAL.*—Not later than 180 days after the date of the enactment of this Act, the President shall develop and submit to Congress a strategy on combating North Korea's repressive information environment.

(b) *ELEMENTS.*—The strategy required by subsection (a) shall include the following:

(1) An assessment of the challenges to the free flow of information into North Korea created by the censorship and surveillance technology apparatus of the Government of North Korea.

(2) A detailed description of the agencies and other government entities, key officials, and security services responsible for the implementation of North Korea's repressive laws regarding foreign media consumption.

(3) A detailed description of the agencies and other government entities and key officials of foreign governments that assist, facilitate, or aid North Korea's repressive censorship and surveillance state.

(4) A review of existing public-private partnerships that provide circumvention technology and an assessment of the feasibility and utility of new tools to increase free expression, circumvent censorship, and obstruct repressive surveillance in North Korea.

(5) A description of and funding levels required for current United States Government programs and activities to provide access for the people of North Korea to a diverse range of fact-based information.

(6) An update of the plan required by section 104(a)(7)(A) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7814(a)(7)(A)).

(7) A description of Department of State programs and funding levels for programs that promote internet freedom in North Korea, including monitoring and evaluation efforts.

(8) A description of grantee programs of the United States Agency for Global Media in North Korea that facilitate circumvention tools and broadcasting, including monitoring and evaluation efforts.

(9) A detailed assessment of how the United States International Broadcasting Surge Capacity Fund authorized under section 316 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6216) has operated to respond to crisis situations in the past, and how authority to transfer unobligated balances from expired accounts would help the United States Agency for Global Media in crisis situations in the future.

(10) A detailed plan for how the authorization of appropriations under section 7 will operate alongside and augment existing programming from the relevant Federal agencies and facilitate the development of new tools to assist that programming.

(c) *FORM OF STRATEGY.*—The strategy required by subsection (a) shall be submitted in unclassified form, but may include the matters required by paragraphs (2) and (3) of subsection (b) in a classified annex.

#### **SEC. 5. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS RESPONSIBLE FOR NORTH KOREA'S REPRESSIVE CENSORSHIP AND SURVEILLANCE STATE.**

(a) *IN GENERAL.*—The President may impose the following sanctions with respect to any foreign person that the President determines know-

ingly engaged in, facilitated, or was responsible for censorship by the Government of North Korea or the Workers' Party of Korea identified under paragraph (2) or (3) of section 4(b):

(1) *BLOCKING OF PROPERTY.*—The President may exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of the foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) *INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.*—

(A) *VISAS, ADMISSION, OR PAROLE.*—In the case of an alien, the alien may be—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) *CURRENT VISAS REVOKED.*—

(i) *IN GENERAL.*—An alien described in subparagraph (A) may be subject to revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(ii) *EFFECT.*—A revocation under clause (i) shall—

(I) take effect consistent with section 221 of the Immigration and Nationality Act (8 U.S.C. 1201); and

(II) cancel any other valid visa or entry documentation that is in the alien's possession.

(b) *IMPLEMENTATION; PENALTIES.*—

(1) *IMPLEMENTATION.*—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) *PENALTIES.*—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (a)(1) or any regulation, license, or order issued to carry out that subsection shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(c) *NATIONAL SECURITY WAIVER.*—The President may waive the imposition of sanctions under subsection (a) with respect to a person if the President—

(1) determines that such a waiver is in the national security interests of the United States; and

(2) submits to the appropriate congressional committees a notification of the waiver and the reasons for the waiver.

(d) *EXCEPTIONS.*—

(1) *INTELLIGENCE ACTIVITIES.*—This section shall not apply with respect to activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(2) *LAW ENFORCEMENT ACTIVITIES.*—Sanctions under this section shall not apply with respect to any authorized law enforcement activities of the United States.

(3) *EXCEPTION TO COMPLY WITH INTERNATIONAL AGREEMENTS.*—Subsection (a)(2) shall not apply with respect to the admission of an alien to the United States if such admission is necessary to comply with the obligations of the United States under the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, under the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or under other international agreements.

(4) *EXCEPTION RELATING TO IMPORTATION OF GOODS.*—

(A) *IN GENERAL.*—The authority or a requirement to impose sanctions under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) *GOOD DEFINED.*—In this paragraph, the term “good” means any article, natural or man-made substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(e) *DEFINITIONS.*—In this section:

(1) *ADMISSION; ADMITTED; ALIEN.*—The terms “admission”, “admitted”, and “alien” have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) *APPROPRIATE CONGRESSIONAL COMMITTEES.*—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Financial Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) *FOREIGN PERSON.*—The term “foreign person” means any person that is not a United States person.

(4) *UNITED STATES PERSON.*—The term “United States person” means—

(A) a United States citizen or an alien lawfully admitted to the United States for permanent residence;

(B) an entity organized under the laws of the United States or any jurisdiction within the United States; or

(C) any person in the United States.

#### **SEC. 6. REPORT ON ENFORCEMENT OF SANCTIONS WITH RESPECT TO NORTH KOREA.**

(a) *IN GENERAL.*—Not later than 180 days after the date of the enactment of this Act, and annually thereafter through 2024, the Secretary of State and the Secretary of the Treasury shall jointly submit to the appropriate congressional committees (as defined in section 5(e)) a report on sanctions-related activities and enforcement undertaken by the United States Government with respect to North Korea during the period described in subsection (b) that includes—

(1) an assessment of activities conducted by persons in North Korea or the Government of North Korea that would require mandatory designations pursuant to the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9201 et seq.); and

(2) sanctions-related enforcement or other sanctions-related actions undertaken by the United States Government pursuant to that Act.

(b) *PERIOD DESCRIBED.*—The period described in this subsection is—

(1) in the case of the first report required by subsection (a), the period beginning on January 1, 2021, and ending on the date on which the report is required to be submitted; and

(2) in the case of each subsequent report required by subsection (a), the one-year period preceding submission of the report.

#### **SEC. 7. PROMOTING FREEDOM OF INFORMATION AND COUNTERING CENSORSHIP AND SURVEILLANCE IN NORTH KOREA.**

(a) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to the United States Agency for Global Media \$10,000,000 for each of fiscal years 2022 through 2026 to provide increased broadcasting and grants for the following purposes:

(1) To promote the development of internet freedom tools, technologies, and new approaches, including both digital and non-digital means of information sharing related to North Korea.

(2) To explore public-private partnerships to counter North Korea's repressive censorship and surveillance state.

(3) *To develop new means to protect the privacy and identity of individuals receiving media from the United States Agency for Global Media and other outside media outlets from within North Korea.*

(4) *To bolster existing programming from the United States Agency for Global Media by restoring the broadcasting capacity of damaged antennas caused by Typhoon Yutu in 2018.*

(b) *ANNUAL REPORTS.—Section 104(a)(7)(B) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7814(a)(7)(B)) is amended—*

*(1) in the matter preceding clause (i)—*

*(A) by striking “1 year after the date of the enactment of this paragraph” and inserting “September 30, 2022”; and*

*(B) by striking “Broadcasting Board of Governors” and inserting “Chief Executive Officer of the United States Agency for Global Media”; and*

*(2) in clause (i), by inserting after “this section” the following: “and sections 4 and 7 of the Otto Warmbier Countering North Korean Censorship and Surveillance Act of 2021”.*

Mr. PORTMAN. I ask unanimous consent that the committee-reported substitute amendment be agreed to and that the bill, as amended, be considered read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading and was read the third time.

Mr. PORTMAN. I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. Is there further debate on the bill?

Hearing none, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 2129), as amended, was passed.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PORTMAN. Mr. President, this is an important day for Otto Warmbier's family, for so many people who care about the repression and the lack of information going into North Korea, and I thank my colleagues for supporting this legislation.

I yield the floor.

ADJOURNMENT UNTIL 8:30 A.M.  
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 8:30 a.m. tomorrow.

Thereupon, the Senate, at 4:22 p.m., adjourned until Friday, June 17, 2022, at 8:30 a.m.

#### DISCHARGED NOMINATION

The Senate Committee on the Judiciary was discharged from further consideration of the following nomination pursuant to S. Res. 27 and the nomination was placed on the Executive Calendar:

STEVEN M. DETTELBAUGH, OF OHIO, TO BE DIRECTOR, BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate June 16, 2022:

##### SECURITIES AND EXCHANGE COMMISSION

JAIME E. LIZARRAGA, OF VIRGINIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2027.

MARK TOSHIRO UYEDA, OF CALIFORNIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 5, 2023.

##### DEPARTMENT OF STATE

NAZ DURAKOGLU, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF STATE (LEGISLATIVE AFFAIRS).